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_	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/656,636	09/05/2003	Michael Smith	400.245US01	8125
7590 09/22/2004		590 09/22/2004		EXAMINER	
LEFFERT JAY & POLGLAZE, P.A.			NGUYEN, CUONG QUANG		
		Attn: Thomas W. Leffert			
P.O. Box 581009				ART UNIT	PAPER NUMBER
	Minneapolis 1	Minneanolis MN 55402			

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Dip656,836		Application No.	Applicant(s)				
Cuong Q Nguyen Z811		10/656,636	SMITH, MICHAEL				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Enterlicitor so time may be evaluate under the provisions of 3 CPR 1.796(a). In no event, however, may a reply bet limely filed Enterlicitor of the system spatial under the provisions of 3 CPR 1.796(b). In no event, however, may a reply bet limely filed If the period for reply spordied above is less than thisty (30) days, a reply visition the statistory inhibition of they for spatial under the provisions. Any newly received by the Office lister than three months after the maling date of the communication, even if thinely filed, may reduce a my super received by the Office lister than three months after the maling date of this communication, even if thinely filed, may reduce any some of parties are adjustment. See 37 CFR 1.796(b). Status 1) Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. Estencions of time raple variables under the provisions of 3 CPR 1.13(6). In no event, however, may a reply be timely filed other SIX (6) MONTHS from the mailing date of this communication of 1 the period for reply within the mailing date of this communication. Fallue to reply within the set or extended period for reply will, by distillor, cause the application to become ARADONED (35 U.S.C. § 133). Any reply reviewed by the Official extra the three membra set for extended period for reply will, by distillor, cause the application to become ARADONED (35 U.S.C. § 133). Any reply reviewed by the Official extra the three membra set for the mailing date of this communication, even if timely filed, may reduce any cannel patient term adjustment. See 37 CFR 1.74(b). Status 1) Responsive to communication(s) filed on							
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are rejected. 7) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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Application/Control Number: 10/656,636

Art Unit: 2811

9Election/Restriction

Applicant's election without traverse of Group I claims 1-15 is acknowledged. However, claims 1-15 are containing claims directed to the following patentably distinct species of the claimed invention:

Embodiment 1 described in Fig.1 to Fig.7.

Embodiment 2 described in Fig.8.

Embodiment 3 described in Fig.9.

Embodiment 4 described in Fig. 10.

Embodiment 5 described in Fig.11.

These Embodiments describe different structures. They are distinct and not obvious from each other.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 872-9306. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to CUONG Q NGUYEN whose telephone number is (571) 272-1661. The Examiner is in the Office generally between the hours of 6:30 AM to 5:00 PM (Eastern Standard Time) Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Eddie Lee who can be reached on (571) 272-1732.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center Receptionists whose telephone number is 308-0956.

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Cuong Nguyen

Primary examiner

9/16/04